



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Lucien V. Di Pietro et al.

Serial No.: 10/804,915

Group Art Unit No.: 1626

Filed: March 19, 2004

Examiner: Rebecca L. Anderson

For: HETEROCYCLIC COMPOUNDS AND METHODS OF USE

Docket No.: A-846-US-NP

TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING APPLICATION

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Petitioner, Amgen Inc., is the owner of the entire interest in the instant application.

Petitioner hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any patent issuing from copending application Serial No. 11/042,398, and hereby agrees that any patent so granted on said above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent issuing from application Serial No. 11/042,398, this agreement to run with any patent granted on said above-identified application and to be binding upon the grantee, its successors, or assigns.

Petitioner does not disclaim any terminal part of any patent granted on said above-identified application that would extend to the full statutory term as presently shortened by any terminal disclaimer of any patent issuing from copending application Serial No. 11/042,398 in the event that any said patent issuing from application Serial No. 11/042,398 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Copies of the assignment documents in the chain of title from the original owner to assignee are attached, and were recorded in the Patent and Trademark Office at reel 015495 and frame 0916.

The undersigned has reviewed the attached assignment documents and certifies that, to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date appearing below.

July 25, 2008
Date

Shelene Sanguano Brady
Signature

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ronald S. Hermenau", with a long horizontal flourish extending to the right.

Ronald S. Hermenau
Attorney/Agent for Applicant(s)
Registration No.: 34,620
Phone: (650) 244-2165
Date: July 25, 2008

Please send all future correspondence to:

AMGEN INC.
1120 Veterans Boulevard
South San Francisco, CA 94080



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Patent Assignment Details

***NOTE: Results display only for issued patents and published applications.
For pending or abandoned applications please consult USPTO staff.***

Reel/Frame: [015495/0916](#)

Pages: 12

Recorded: 06/18/2004

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Total properties: 1

1 **Patent #:** NONE **Issue Dt:** **Application #:** 10804915 **Filing Dt:** 03/19/2004
 Publication #: [US20040209892](#) **Pub Dt:** 10/21/2004
 Title: Heterocyclic compounds and methods of use

Assignors

1	DI PIETRO, LUCIAN V.	Exec Dt: 06/17/2004
2	HARMANGE, JEAN-CHRISTOPHE	Exec Dt: 06/17/2004
3	ASKEW JR., BENNY C.	Exec Dt: 06/17/2004
4	ELBAUM, DANIEL	Exec Dt: 06/17/2004
5	GERMAIN, JULIE	Exec Dt: 06/17/2004
6	HABGOOD, GREGORY J.	Exec Dt: 06/17/2004
7	KIM, JOSEPH L.	Exec Dt: 06/17/2004
8	PATEL, VINOD F.	Exec Dt: 06/17/2004
9	POTASHMAN, MICHELE	Exec Dt: 06/17/2004
10	VAN DER PLAS, SIMON	Exec Dt: 06/17/2004

Assignee

1 [U.S. PATENT OPERATIONS](#)
 DEPT. 4300,M/S 27-4-A AMGEN INC. ONE AMGEN CENTER
 THOUSAND OAKS, CALIFORNIA 91320-1789

Correspondence name and address

U.S. PATENT OPERATIONS
DEPT 4300,M/S 27-4-1 AMGEN INC
ONE AMGEN CENTER DRIVE
THOUSAND OAKS, CA 91320-1799

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RECORDATION FORM COVER SHEET

U.S. Department of Commerce
Patent and Trademark Office

PATENTS ONLY

Docket No.: A-846

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):
Lucian V. Di Pietro; Jean-Christophe Harmange; Benny C.
Askew, Jr.; Daniel Elbaum; Julie Germain; Gregory J.
Habgood; Joseph L. Kim; Vinod F. Patel; Michele
Potashman; Simon van der Plas
Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____

Execution Date: June 17, 2004

2. Name and address of receiving party(ies):

Name: U.S. Patent Operations

Internal Address: Dept. 4300, M/S 27-4-A

Amgen Inc.

Street Address: One Amgen Center Drive

City: Thousand Oaks State: CA Zip: 91320-1789

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

10/804,915

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: U.S. Patent Operations/JWB

Internal Address: Dept. 4300, M/S 27-4-A

AMGEN INC.

Street Address: One Amgen Center Drive

City: Thousand Oaks State: CA Zip: 91320-1799

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 3.41).....\$ 40.00

☐ Enclosed

☒ Authorized to be charged to deposit account.

8. Deposit account number: 01-0519

☒ The Commissioner is hereby authorized to charge any additional filing fees which may be required or credit any overpayment to Deposit Account No. 01-0519

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Joseph W. Bulock

Name of Person Signing

Signature

June 18, 2004

Date

Total number of pages including cover sheet, attachments, and document: 12

ASSIGNMENT

Whereas, we, Lucian V. Di Pietro, 37 Centennial Avenue, Gloucester, Massachusetts 01930, USA
Jean-Christophe Harmange, 57 William Street, Andover, Massachusetts 01810, USA
Benny C. Askew, Jr., 515 Havenside Avenue, Newbury Park, California 91320, USA
Daniel Elbaum, 25 Sherrin Road, Newton, Massachusetts 02462, USA
Julie Germain, 47 Bower Street, Medford, Massachusetts 02155, USA
Gregory J. Habgood, 21 Carriage Court, Merrimac, Massachusetts 01860, USA
Joseph L. Kim, 20 Green Way, Wayland, Massachusetts 01778, USA
Vinod F. Patel, 3 Mossy Lane, Acton, Massachusetts 01720, USA
Michele Potashman, 217 Harvard Street, Apt. GR-R, Cambridge, Massachusetts 02139, USA
Simon van der Plas, 49 Bower Street, Medford, Massachusetts 02155, USA

have made an invention which is the subject of an application for Letters Patent of the United States ("Application") entitled

HETEROCYCLIC COMPOUNDS AND METHODS OF USE

which is found in:

- ☐ (a) the US Patent Application executed on even date herewith; [which claims the benefit of U.S. Provisional Application No. _____ filed _____.]
- ☐ (b) the US Patent Application executed on _____ [which claims the benefit of U.S. Provisional Application No. _____ filed _____.]
- ☒ (c) US Application Serial No.: 10/804,915 filed on March 19, 2004
 which claims the benefit of U.S. Provisional Application No. 60/456,691 filed March 21, 2003.
- ☐ (d) US Patent No.: _____

Whereas AMGEN INC., a Delaware corporation having its principal place of business at One Amgen Center Drive, Thousand Oaks, California 91320-1799, wishes to acquire the entire interest in all inventions disclosed in such Application;

Now, therefore, in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, we hereby sell, assign, transfer and set over unto AMGEN INC., its successors and assigns (collectively "AMGEN") our entire right, title and interest in, to and under the Application, and any provisional application(s) from which Application is derived, and all priority rights to which the Application may be entitled, including all priority rights for other countries arising therefrom, all inventions therein disclosed, and any and all Letters Patent of the United States and of all other countries which may be granted for such inventions, or any of them, including divisional, continuation, and/or continuation-in-part applications based on the above identified Application, all such inventions and all rights in such Application and Letters Patent to be held and enjoyed by AMGEN for its own use and enjoyment to the full end of the term or terms for which such Letters Patent may be granted, as fully and entirely as the same would have been held and enjoyed by us had this assignment and sale not been made.

Further, we hereby sell, assign, transfer, and set over unto AMGEN our entire right, title and interest in or to the right to refer to, to access, and to control microorganism(s) or other biological material(s) related to the Application and which are deposited by us or at our direction or deposited on our behalf by Amgen, its affiliates, employees or employees of its affiliates. The transfer of such right, title and interest includes, without limitation, our unreserved and irrevocable consent and authorization to AMGEN to refer to the deposited microorganisms(s) or other biological materials(s) in the Application and the right to make available to the public the deposited material in accordance with the laws, treaties, statutes, rules, regulations and the like of the United States, all other countries, and any patent granting authority or organization.

We authorize and request the Commissioner of Patents and Trademarks of the United States to issue any such Letters Patent which may be granted on the Application to AMGEN as assignee of the entire right, title and interest therein and thereto.

For ourselves and for our legal representatives, we covenant and agree with AMGEN that we have not granted to any others any license to make, use or sell any of such inventions, that our right, title and interest in such inventions has not been encumbered, that we have good right and title to sell and assign the same, and that we will not execute any instrument in conflict herewith.

For ourselves and for our heirs, successors and legal representatives, we further covenant and agree with AMGEN that upon request we and they will: (i) execute continuing, divisional, or reissue applications, amended specifications, or rightful declarations or oaths; (ii) communicate to AMGEN any facts known to us or them relating to such inventions or the history thereof; (iii) execute preliminary statements and testify in any interference proceedings or litigation; (iv) execute and deliver any application papers, assignments, or other instruments; and (v) do all other acts which, in the opinion of counsel for AMGEN, may be necessary or desirable to secure the grant of Letters Patent to AMGEN or its nominees, in the United States and in all other countries where AMGEN may desire to have such inventions, or any of them, patented, with specifications and claims in such form as shall be approved by counsel for AMGEN and to vest and confirm in AMGEN or its nominees the full and complete legal and equitable title to all such Letters Patent, without further consideration than that now paid but at the expense of AMGEN.

In Witness Whereof I have executed this assignment on the 28 day of May 20 04

Lucian V. Di Pietro
(Name of Inventor)

(Signature of Inventor)

UNITED STATES OF AMERICA

State of Massachusetts }
County of Middlesex } ss:

May 28 20 04

Before me, a Notary Public for Middlesex County, State of Massachusetts, personally appeared _____

Lucian V. Di Pietro

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public


My commission expires

MY COMMISSION EXPIRES JULY 24, 2009

20 _____

In Witness Whereof I have executed this assignment on the 27 day of May 20 04

Jean-Christophe Harmange
(Name of Inventor)


(Signature of Inventor)

UNITED STATES OF AMERICA

State of Massachusetts }
County of Middlesex } ss:

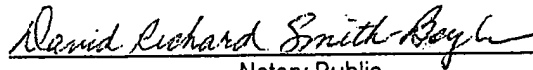
MAY 27 20 04

Before me, a Notary Public for Middlesex County, State of Massachusetts, personally appeared _____

JEAN-CHRISTOPHE HARMANGE

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.


Notary Public

My commission expires

MY COMMISSION EXPIRES JULY 24, 2009

_____ 20 _____

In Witness Whereof I have executed this assignment on the 17 day of June 20 04

Benny C. Askew, Jr.
(Name of Inventor)

Benny C. Askew, Jr.
(Signature of Inventor)

UNITED STATES OF AMERICA

State of California }
County of Ventura } ss:

June 17 20 04

Before me, a Notary Public for Ventura County, State of California, personally appeared _____

Benny C. Askew, Jr.

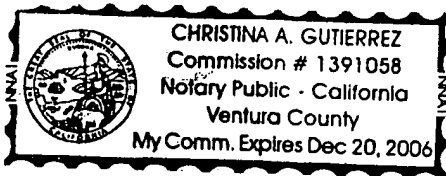
☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Christina A. Gutierrez
Notary Public

My commission expires

December 20 20 06



In Witness Whereof I have executed this assignment on the 6th day of May 20 04

Daniel Elbaum
(Name of Inventor)

[Signature]
(Signature of Inventor)

UNITED STATES OF AMERICA

State of Massachusetts }
County of } ss:

MAY 6, 20 04

Before me, a Notary Public for Middlesex County, State of Massachusetts, personally appeared _____

Daniel Elbaum

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[Signature]
Notary Public

My commission expires

5/5 20 06

In Witness Whereof I have executed this assignment on the

27 day of May 20 04

Julie Germain
(Name of Inventor)

Julie Germain
(Signature of Inventor)

UNITED STATES OF AMERICA

State of Massachusetts }
County of Middlesex } ss:

MAY 27 20 04

Before me, a Notary Public for Middlesex County, State of Massachusetts, personally appeared _____

Julie Germain

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

David Richard Smith-Boyle
Notary Public

My commission expires

MY COMMISSION EXPIRES JULY 24, 2006 20

In Witness Whereof I have executed this assignment on the 28 day of May 20 04

Gregory J. Habgood
(Name of Inventor)

Gregory J. Habgood
(Signature of Inventor)

UNITED STATES OF AMERICA

State of Massachusetts }
County of Middlesex } ss:

May 28 20 04

Before me, a Notary Public for Middlesex County, State of Massachusetts, personally appeared _____

Gregory J. Habgood

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

David Richard Smith-Bayle
Notary Public

My commission expires

MY COMMISSION EXPIRES JULY 24, 2009

MY COMMISSION EXPIRES JULY 24, 2011

20

In Witness Whereof I have executed this assignment on the 28 day of May 20 04

Joseph L. Kim
(Name of Inventor)

Joseph L. Kim
(Signature of Inventor)

UNITED STATES OF AMERICA

State of Massachusetts }
County of Middlesex } ss:

May 28 20 04

Before me, a Notary Public for Middlesex County, State of Massachusetts, personally appeared _____

Joseph L. Kim

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

David Richard Smith-Boyle
Notary Public

My commission expires

MY COMMISSION EXPIRES JULY 24, 2009 20 _____

In Witness Whereof I have executed this assignment on the 27 day of May 20 04

Vinod F. Patel
(Name of Inventor)

Vinod F. Patel
(Signature of Inventor)

UNITED STATES OF AMERICA

State of Massachusetts }
County of } ss:

May 27th 20 04

Before me, a Notary Public for Middlesex County, State of Massachusetts, personally appeared _____

VINOD F. PATEL

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

David Richard Smith-Boyle
Notary Public

My commission expires

MY COMMISSION EXPIRES JULY 24, 2009

20

In Witness Whereof I have executed this assignment on the 28 day of May 20 04

Michele Potashman
(Name of Inventor)

Michele Potashman
(Signature of Inventor)

UNITED STATES OF AMERICA

State of Massachusetts }
County of Middlesex } ss:

May 28 20 04

Before me, a Notary Public for Middlesex County, State of Massachusetts, personally appeared _____

Michele Potashman

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

David Richard Smith-Boyle
Notary Public

My commission expires

MY COMMISSION EXPIRES JULY 24, 2005

20

In Witness Whereof I have executed this assignment on the 3 day of JUNE 20 04

Simon van der Plas
(Name of Inventor)

Simon van der Plas
(Signature of Inventor)

UNITED STATES OF AMERICA

State of Massachusetts }
County of Middlesex } ss:

June 3 20 04

Before me, a Notary Public for Middlesex County, State of Massachusetts, personally appeared _____

Simon Vander Plas

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

David Richard Smith-Bayle
Notary Public

My commission expires

MY COMMISSION EXPIRES JULY 24, 2009

20